

EOD

11/16/2011

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**IN RE: § CASE NO: 11-40629-BTR-11
MID WEST HOTEL LODGING, LLC § CHAPTER 11
DEBTOR IN POSSESSION §**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF
ORDER CONFIRMING DEBTOR'S THIRD AMENDED
PLAN OF REORGANIZATION,
AS MODIFIED NOVEMBER 11, 2011**

CAME ON for hearing the Third Amended Plan of Reorganization Dated November 11, 2011 [Docket No. 176] (and as it may have been further modified at the Confirmation Hearing, the "Debtor's Plan") filed by **MID WEST HOTEL LODGING, LLC** (the "Debtor"). The Court, having considered the evidence presented, the arguments of counsel, and objections on file in this bankruptcy proceeding and having determined that Debtor's Plan was properly served, hereby enters these findings of fact and conclusions of law in support of confirmation of the Debtor's Plan:

1. The Debtor's Plan complies with 11 U.S.C. §1129 of the Bankruptcy Code, including the following:
 - a. Section 1129(a)(1). The Plan complies with the applicable provisions of Title 11.
 - b. Section 1129(a)(2). The proponent (the Debtor) of the Plan has complied with the applicable provisions of Title 11.
 - c. Section 1129(a)(3). The Plan has been proposed in good faith and not by any means forbidden by law.
 - d. Section 1129(a)(4). Any payments for services or for costs and expenses in connection with the case, or in connection with the Plan and incident to

the case, have been approved by, or are subject to the approval of, this Court as reasonable.

- e. Section 1129(a)(5). The proponents of the Plan have disclosed the identity and affiliation of any individual proposed to serve, after confirmation of the Plan, as an affiliate or successor of the Debtor, the continuation in such employment is in the best interest of Debtor's creditors and public policy, and the nature of any compensation to be for such insider.
- f. Section 1129(a)(6). This subsection does not apply to the Debtor.
- g. Section 1129(a)(7). With respect to each Class of impaired Claims or Interests, each holder of a Claim included in such Class (i) has accepted the Plan, or (ii) will receive or retain on account of such Claim property of value, as of the Effective Date of the Plan, that is not less than the amount such holder would receive or retain if the Debtor were liquidated under Chapter 7 of Title 11 on such date.
- h. Section 1129(a)(8). A majority in number and two-thirds in amount of all impaired classes of claims that have voted have voted to accept Debtor's Plan.
- i. Section 1129(a)(9). The Plan provisions include the following:
 - a. Holders of Allowed Administrative Claims will be paid in full.
 - b. Holders of Allowed Priority Claims will be paid pursuant to Section 1129.

- j. Section 1129(a)(10). At least one Class of impaired Claims has voted to accept the Plan, determined without the acceptance of any insider.
 - k. Section 1129(a)(11). The Plan is feasible. Confirmation of the Plan is not likely to be followed by the liquidation of, or need for further financial reorganization of, the Debtor. The Debtor has shown that it has sufficient cash flow to make the payments called for by the Plan.
 - l. Section 1129(a)(12). All fees under 28 U.S.C. §1930 have been paid or will be paid on the Effective Date.
 - m. Section 1129(a)(13). This subsection does not apply to the Debtor.
 - n. Section 1129(a)(14). This subsection does not apply to the Debtor.
 - o. Section 1129(a)(15). This subsection does not apply to the Debtor.
 - p. Section 1129(a)(16). This subsection does not apply to the Debtor.
- 2. All findings of fact are, as appropriate, conclusions of law and vice versa.
 - 3. The Court reserves the right to promulgate other and further findings of fact and conclusions of law.

Signed on 11/16/2011

Brenda T. Rhoades SR
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
APPROVED AND PREPARED BY:**

//s// George A. Kurisky, Jr.

George A. Kurisky, Jr.

TBA No. 11767700

OF COUNSEL:

Branch M. Sheppard

TBA No. 24033057

JOHNSON DELUCA KURISKY & GOULD, P.C.

4 Houston Center

1221 Lamar, Suite 1000

Houston, Texas 77010

(713) 652-2525 - Telephone

(713) 652-5130 - Facsimile

ATTORNEYS FOR DEBTOR IN POSSESSION